

FAQs About IDEA 2004

Surrogate Parents, Foster Parents, Unaccompanied Homeless Youth and Wards of the State

What is the timeline for surrogate parent appointment?

A surrogate parent must be appointed by the youth court not more than 30 days after the school district determines that the child needs a surrogate parent.

What is the surrogate parent requirement for unaccompanied homeless youth?

If an unaccompanied homeless youth enrolls in a school district, administrators must ensure that a surrogate parent is appointed within the 30-day timeline.

Is a surrogate parent required when a child is placed into a permanent or temporary foster home and the parents' rights have been permanently removed by a court?

No. In this case, the foster parent can act as a parent for the child.

Doesn't the foster parent need to have an ongoing long-term relationship with the child before the foster parent can act as the parent?

No. The IDEA 2004 has removed that requirement.

What is the school district's responsibility for children who are wards of the state?

The school district must make reasonable efforts to ensure that a surrogate parent is appointed within the 30-day timeline.

What does the school district do when it finds that two parties may act as the parent, when one of the parties is, in fact, the child's parent?

When the child's parent still maintains rights with regard to education, that parent makes decisions regarding special education.

The reauthorized Individuals with Disabilities Education Act (IDEA) became effective on July 1, 2005. This list of Frequently Asked Questions (FAQ) sheet is one of a series from the Montana Office of Public Instruction which highlight changes resulting from the reauthorization of the IDEA. Additional changes may result from the final regulations.

If you have further questions, please contact your local special education director or the Montana Office of Public Instruction. A complete listing of current OPI IDEA FAQs can be found at www.opi.mt.gov/speced/FAQs.



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